

UNITED STATES DISTRICT COURT

for
WESTERN DISTRICT OF TENNESSEE

FILED BY 19 D.C.

U.S.A. vs. Sylvia Johnson

Docket No. 2:04CR20456-01 PM 4:42

Petition on Probation and Supervised Release

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

COMES NOW Edward E. Shaw PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Sylvia Johnson, who was placed on supervision by the Honorable J. Daniel Breen sitting in the Court at Memphis, TN on the 21st day of July, 2005, who fixed the period of supervision at two (2) years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

1. The defendant shall participate in the Home Detention Program for a period of six (6) months.
2. The defendant shall participate in substance abuse testing/treatment as directed by the Probation Officer.
3. The defendant shall make full financial disclosure as requested by the Probation Officer.
4. The defendant shall not acquire any new financial obligations without permission of the Probation Officer.
5. The defendant shall cooperate with DNA collection as directed by the Probation Officer.
6. Third Party Risk notification is required.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant shall participate in the Home Detention Program for a period of six (6) months.

When Probation began, the defendant claimed a lack of stable residence, and asked to serve the for Home Detention time in a halfway house. The Probation Officer gave the defendant time to obtain a stable residence, but after many weeks, the defendant was still unemployed and not making any progress. She then agreed with her mother's consent to begin Home Detention at her mother's home. On October 20, 2005, the defendant reported to the office, received her schedule and electronic monitoring equipment, and was instructed to meet this officer that afternoon at the residence for installation of the equipment. However, the defendant failed to meet this officer at her residence that day, and for almost three weeks she failed to respond to reporting instructions or turn in the monitoring equipment. When the defendant finally reported, she indicated having a conflict with her mother, asked for another chance, and requested and agreed to do her time in the halfway house. Due to her need for a stable residence, to satisfy the sentence, and also in response to the violation conduct, the following action is requested.

PRAYING THAT THE COURT WILL ORDER that the Special Condition requiring six (6) months of Home Confinement be removed, and in its place impose an additional Special Condition which states: "The defendant shall serve six (6) months in a halfway house or community correction center as directed by the Probation Officer." Please see the attached Probation Form 49/Waiver of Hearing to Modify Conditions.

ORDER OF COURT

Considered and ordered this 1st day of December 2005 and ordered filed and made a part of the records in the the above case.

J. Daniel Breen
Honorable J. Daniel Breen
United States District Judge

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCP on 12-2-05

Respectfully

Edward E. Shaw
Edward E. Shaw
United States Probation Officer

Place: Memphis, TN

Date: November 28, 2005

United States District Court

Western District of Tennessee

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The original conditions of Probation are modified by removing the Special Condition requiring six (6) months of Home Confinement, and in its place imposing an additional Special Condition which states:

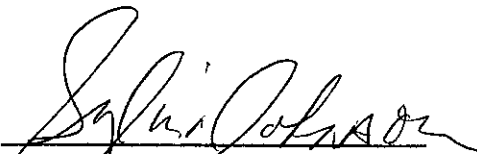
The defendant shall serve six (6) months in a halfway house or community correction center as directed by the Probation Officer.

Witness:



Edward E. Shaw
U.S. Probation Officer
Western District of Tennessee

Signed:



Sylvia Johnson
Probationer/Supervised Releasee

11/9/05

Date

ESW 11-9-05



Notice of Distribution

This notice confirms a copy of the document docketed as number 68 in case 2:04-CR-20456 was distributed by fax, mail, or direct printing on December 2, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT